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Tx:4001960

**2012-07564**

**RECORDER JOHN SCIORTINO**  
**POTTAWATTAMIE COUNTY, IA**  
**FILE TIME: 05/24/2012 3:16:45 PM**  
**REC: 25.00AUD: 5.00T TAX: 39.20**  
**RMA: 1.00ECM: 1.00**

R Fee 25.00A Fee 5.00T Tax 39.20

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*Space Above Line for Recorder's Use Only*

2534-09

**Prepared By:** Gerard Sullivan  
Union Pacific Railroad Company  
Law Department  
1400 Douglas Street, Stop 1580  
Omaha, NE 68179  
(402) 544-4468

**Return to:** City of Council Bluffs, Iowa  
City Attorney, City Hall  
209 Pearl Street  
Council Bluffs, Iowa 51503

**Address Tax Statements to:** City of Council Bluffs, Iowa  
City Attorney, City Hall  
209 Pearl Street  
Council Bluffs, Iowa 51503

QUITCLAIM DEED

**UNION PACIFIC RAILROAD COMPANY**, a Delaware corporation (formerly known as Southern Pacific Transportation Company, a Delaware corporation, successor in interest through merger with Union Pacific Railroad Company, a Utah corporation), ("Grantor") in consideration of the sum of Ten Dollars (\$10.00), and other valuable consideration to it duly paid, the receipt whereof is hereby acknowledged, does hereby REMISE, RELEASE and forever QUITCLAIM unto **CITY OF COUNCIL BLUFFS, IOWA**, an Iowa municipal corporation, ("Grantee"), whose address is City Attorney, City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503 and unto its successors and assigns forever, all of Grantor's right, title, interest, estate, claim and demand, both at law and in equity, of, in, and to the real estate (hereinafter the "Property") situated in

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Superfund

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04/27/12

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Pottawattamie County, State of Iowa, as more particularly described in **Exhibit A** on page 5, hereto attached and hereby made a part hereof.

EXCEPTING from this quitclaim and RESERVING unto Grantor, its successors and assigns, forever, all minerals and all mineral rights of every kind and character now known to exist or hereafter discovered underlying the Property, including without limiting the generality of the foregoing, oil and gas and rights thereto, together with the sole, exclusive and perpetual rights to explore for, remove and dispose of said minerals by any means or methods suitable to the Grantor, its successors and assigns, but without entering upon or using the surface of the Property, and in such manner as not to damage the surface of the Property, or to interfere with the use thereof by the Grantee, its successors and assigns.

The Property is quitclaimed Grantor subject to the following covenant, condition and restriction which Grantee by the acceptance of this Deed covenants for itself, its successors and assigns, faithfully to keep, observe and perform:

Restriction on Use. The Property must not be used for (i) residential, (ii) lodgings or accommodations (including, without limitation, hotels, motels, boarding houses, dormitories, hospitals, nursing homes, or retirement centers), or (iii) educational or child-care facilities (including, without limitation, schools, kindergartens or day-care centers).

The foregoing covenant, condition and restriction shall run with the Property, and a breach of the foregoing covenant, condition and restriction, or the continuance thereof, may, at the option of Grantor, its successors or assigns, be enjoined, abated or remedied by appropriate proceedings.

IN WITNESS WHEREOF, the Grantor has caused this deed to be duly executed as of the 27<sup>th</sup> day of APRIL, 2012.

Attest:

**UNION PACIFIC RAILROAD COMPANY,**  
a Delaware corporation

C. T. Meyer  
Assistant Secretary

By: Tony K. Love

Name: TONY K. LOVE

Title: Assistant Vice President - Real Estate

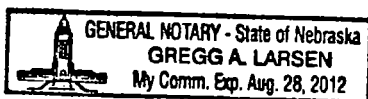


ACKNOWLEDGMENT

STATE OF NEBRASKA   )  
  ) ss.  
COUNTY OF DOUGLAS   )

On APRIL 27, 2012, before me, Gregg A Larsen, a Notary Public in and for said County and State, personally appeared TONY K. LOVE and C. J. MEYER, AVP - REAL ESTATE and Assistant Secretary, respectively, of UNION PACIFIC RAILROAD COMPANY, a Delaware corporation, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.



Gregg A Larsen  
Notary Public

(SEAL)

Grantee hereby accepts this Deed and agrees for itself, its successors and assigns, to be bound by the covenants set forth herein.

Dated this 27 day of April, 2012.

CITY OF COUNCIL BLUFFS, IOWA

By: [Signature]  
Its: Mayor

STATE OF IOWA )  
 ) ss.  
COUNTY OF POTTAWATTAMIE )

On this 27<sup>th</sup> day of April, 2012, before me, Marcia L. Worden, Notary Public in and for said County and State, personally appeared Thomas P. Hanatan who is the Mayor of City of Council Bluffs, Iowa, an Iowa municipal corporation, and who is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to in the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Marcia L. Worden  
Notary Public

(Seal)



# **Union Pacific Railroad Company**

**City of Council Bluffs, Pottawattamie County, Iowa**

## **Exhibit "A"**

All that part of Lots 1, 2, 9, 10, and the North Half of Lots 3 and 11, and that part of Lot 8 lying northerly of the westerly extension of the center line of said Lot 3 along with all adjoining Alley ways, of Block 12, Riddles Subdivision, City of Council Bluffs, Pottawattamie County, Iowa.

Union Pacific Railroad Co.  
Real Estate Department  
Omaha, NE.

LD 0253409  
April 20, 2012